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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,006	07/07/2000	Clifford Alan Pickover	YO999-467	7649

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OHLANDT,GREELEY,RUGGIERO & PERLE,LLP
ONE LANDMARK SQUARE
10TH FLOOR
STAMFORD, CT 06901

EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,006

Applicant(s)

PICKOVER ET AL.

Examiner

Adam M. Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to communications: Amendment and RCE filed 06/22/2005.
2. Claims 1-8 and 27-34 are pending in the case. Claims 1, 27, and 35 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/22/2005 has been entered.

Response to Affidavit – 37 CFR 1.131

4. The declaration filed on 06/22/2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Rogson reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Rogson reference. In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose (MPEP §705.07.III). While the exhibit would be sufficient to prove conception, there is no evidence that the invention existed or worked. Additionally, the declaration does not contain an allegation that the acts relied upon to establish the date prior to the reference or activity were carried out in this country or in a NAFTA country or WTO member country.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-3, 7-8, 27-29, and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogson (USPN 2002/0010726, filed 3/28/2000).**

Regarding dependent claim 1, Rogson teaches a method of spell-checking a word processing document (para. 1). A word processing document inherently contains a group of the words that occur within the document. Since Rogson accesses and reads the document in order to spell check it, the words in the document are determined from the reading of it. Rogson teaches reporting a misspelled word to a user (para. 45). Rogson teaches a dynamic update list keeps track of the most frequently misspelled words (para. 26) and presents a list of replacement words from the list (para. 45). Rogson also teaches that the dynamic update list is tied to the document (para 48, ll. 6-7), therefore the list contains words selected from the group of words that occur in the document.

Regarding dependent claim 2, a word processing document inherently has a group of words that include text from the contents of the file.

Regarding dependent claim 3, Rogson teaches the list is compiled based on frequency of use (para. 26). Rogson also teaches that location is used to determine replacements (para. 43).

Regarding dependent claim 7, Rogson discloses another dynamic list for the user (para. 47).

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Regarding dependent claim 8, Rogson discloses another dynamic list for the user. In the case of the first document the user checks, the list would contain the most recent misspellings (para. 47).

Claims 27-29, and 33-34 contain the same limitations as claims 1-3, 7-8, and are rejected under the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 4-6 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogson as applied to claims 1-3 and 27-29 above, and further in view of Chandrasekar et al. (USPN 6578032, filed 6/28/2000).**

Regarding dependent claim 4, Rogson does not explicitly disclose using related words.

Chandrasekar teaches using words related to words found in the document to determine the proper spelling of a word (col. 2, ll. 45-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to add these topical words to the list, as they would be relevant replacement words (col. 2, ll. 45-49).

Regarding dependent claim 5, Rogson does not explicitly disclose using related words.

Chandrasekar teaches using clustering to find topics related to words found in the document to determine the proper spelling of a word (col. 2, ll. 45-49). This clustering is equivalent to latent semantic indexing. It would have been obvious to one of ordinary skill in the art at the time of

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the invention to add these topical words to the list, as they would be relevant replacement words (col. 2, ll. 45-49).

Regarding dependent claim 6, neither Rogson nor Chandrasekar explicitly disclose an order of words. Chandrasekar does disclose that the related word is used first (col. 2, ll. 39-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to list related words first as they were most likely the correct term (col. 2, ll. 39-45).

Claims 4-6 contain the same limitations as claims **30-32** and are rejected under the same rationale.

Response to Arguments

9. Applicant's arguments filed 08/09/2004 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on Claim 1:

Applicant alleges that the Rogson does not determine a group of words from the content of a document. However, Rogson teaches a method of spell-checking a word processing document (para. 1). A word processing document inherently contains a group of the words that occur within the document. Since Rogson accesses and reads the document in order to spell check it, the words in the document are determined from the reading of it.

Regarding Applicant's remarks on the remainder of the claims:

The remaining remarks contain similar arguments to those answered above and are considered answered.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
9/15/2005